

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*Muscogee (Creek) Nation v. Purdue Pharma  
L.P., et al.*

Case No. 1:18-op-45459

*The Blackfeet Tribe of the Blackfeet Indian  
Reservation v. AmerisourceBergen Drug  
Corporations, et al.*

Case No. 1:18-op-45749

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**PARTIAL CONSENT MOTION FOR  
EXTENSION OF TIME TO ANSWER  
COMPLAINTS IN MUSCOGEE (CREEK)  
NATION AND THE BLACKFEET TRIBE  
ACTIONS**

Manufacturer Defendants<sup>1</sup> hereby request, with the consent of Plaintiff Muscogee (Creek) Nation, a two-week extension of time (from July 11, 2019 to July 26, 2019), to answer Plaintiffs' complaints in the above-captioned actions.<sup>2</sup> The requested extension will not delay the administration of these cases nor affect the multi-district litigation overall, and it will provide Defendants the necessary time to provide answers to the complaints.

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<sup>1</sup> Manufacturer Defendants include Purdue Pharma, L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals Inc.; Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.; Johnson & Johnson; Noramco, Inc.; Teva Pharmaceutical Industries, Ltd.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Allergan plc f/k/a Actavis plc; Allergan Finance, LLC, f/k/a/ Actavis, Inc., f/k/a Watson Pharmaceuticals, Inc.; Watson Laboratories, Inc.; Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Mallinckrodt plc; Mallinckrodt LLC; and SpecGx LLC ("Manufacturing Defendants"). The foreign entity Manufacturer Defendants listed here (Teva Pharmaceutical Industries Ltd., Allergan plc f/k/a Actavis plc, and Mallinckrodt plc) join this request out of an abundance of caution, and continue to reserve all rights regarding service and personal jurisdiction, which issues are laid out and are being addressed in the Track One cases.

<sup>2</sup> Manufacturer Defendants have reached out to counsel for The Blackfeet Tribe of the Blackfeet Indian Reservation, but have not yet received a response.

On June 24, 2019, the Court entered an Order setting a due date of July 11, 2019, to answer Plaintiffs' complaints in the above-referenced cases. Doc. #: 1724. The Order provided a little over two weeks' notice for Defendants to respond to the lengthy complaints filed in these two cases. In issuing its Order, the Court noted that for certain Track One cases, "the Court gave Defendants four weeks to file their answers . . . ." *Id.* Although the July 11 due date is four weeks from the Court's ruling on Defendant's Motion to Dismiss for these two cases, that ruling did not set a due date for answering Plaintiffs' (non-Track One) complaints. Moreover, Defendants have been, and still are, devoting a significant amount of time and attention to Track One pre-trial matters, such as summary judgment and *Daubert* motions.

The *Muscogee (Creek) Nation* and *The Blackfeet Tribe of the Blackfeet Indian Reservation* cases are not among the designated Track One or Track Two cases. The requested two-week extension, therefore, will not prejudice any of the parties and will not delay administration of the *In re National Prescription Opiate Litigation* cases overall.

Counsel for the Manufacturer Defendants conferred with counsel for the Muscogee (Creek) Nation, and Plaintiff's counsel in that case have consented to this requested extension. Counsel for The Blackfeet Tribe of the Blackfeet Indian Reservation have not yet responded to the request for consent, but Manufacturer Defendants have proceeded with this motion in the hopes of obtaining relief as soon as possible in light of the pending deadline.

Dated: July 3, 2019

Respectfully Submitted,

/s/ Mark S. Cheffo

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*Co-Liaison Counsel for the Manufacturer  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of July 2019, I electronically filed the foregoing with the Clerk of Court and served all counsel of record via the CM/ECF System.

/s/ Carole Rendon